

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

TINA R. WEBB

§

VS.

§

ACTION NO. 4:08-CV-747-Y

§

MICHAEL J. ASTRUE,

§

Commissioner of Social Security §

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

On March 2, 2010, the United States magistrate judge issued his proposed findings, conclusions, and recommendation in the above-styled and numbered cause. The order gave all parties until March 23, 2010, to serve and file with the Court written objections to the proposed findings, conclusions, and recommendation of the magistrate judge. No written objections have been received from either party. As a result, in accordance with 28 U.S.C. § 636(b)(1), *de novo* review is not required. Rather, the Court has reviewed the magistrate judge's findings, conclusions, and recommendation for plain error and has found none. *See Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1428-29 (5th Cir. 1996). Thus, after consideration of this matter, the Court concludes that the findings and conclusions of the magistrate judge should be and are hereby ADOPTED as the findings and conclusions of this Court.

It is, therefore, ORDERED that the decision of the Commissioner is REVERSED and REMANDED for further administrative proceedings consistent with the magistrate judge's opinion. This Court concludes that the Commissioner's Administrative Law Judge ("ALJ") failed to pose a hypothetical question to the vocational expert that

incorporated all of the disabilities of the claimant recognized by the ALJ, particularly the effect Plaintiff's moderate deficiencies in concentration, persistence and pace would have on her ability to perform her past relevant work as a bus driver. The remainder of the Commissioner's decision is AFFIRMED.

SIGNED April 22, 2010.



TERRY R. MEANS
UNITED STATES DISTRICT JUDGE